



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 199700165

Date: March 21, 2003

Comments Due: April 13, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge fill material into 21.40 acres of waters of the United States, including wetlands to expand the existing State Highway 149, as shown in the attached drawings.

APPLICANT: Jean L. Baker
Chief, Environmental Management
State of California
703 B Street
Marysville, CA 95901

LOCATION: The proposed project is located along existing State Route 149 between Highways 99 and 70, Butte County, California. The project area is contained within the USGS 7.5-minute Quadrangles of: Shippee, Cherokee, Oroville, and Hamlin Canyon.

PURPOSE:

The purposes of the proposed project are to: Improve traffic safety; Maintain a Level of Service (LOS) rating of "C" through the 20-year design period for local commuter and interregional traffic by reducing congestion and delays and; provide a continuous four-lane interregional transportation facility between Chico and Oroville.

PROJECT DESCRIPTION:

This project is located within the United States Geological Survey's (USGS) Cherokee, Hamlin Canyon, Shippee, and Oroville 7.5-minute quadrangle maps (predominantly T20N, R3E). The work is scheduled to be completed between April 15 and October 15 of each of the next three years, with the exception of work within vernal pools which will begin no earlier than May 15 and/or as determined by the on-site Fish and Wildlife Service-approved biologist.

The project will consist of an 18.6m median and two new lanes to the south, but requires reconstructing the existing lanes to the north, at the eastern end of the alignment in order to avoid direct impacts to an endangered plant, the Butte County Meadowfoam. The project would widen to the north to avoid the area containing Butte County Meadowfoam, and then return to

the south side alignment. This would make use of the existing lanes in the western half of the project. The project will also include construction of freeway-to-freeway interchanges at 70/149 and 99/149, and improvement of the intersection at Shippee Road. Access control will be achieved along 70, 149 and 99 within the project limits. Frontage roads will be constructed to provide access to affected residences and properties. One of the goals of limited access (for this specific project) is to minimize the potential for growth within the corridor. The second reason is that the gap-closure project along SR 149 is an integral part of the interregional transportation facility from Sacramento to Chico. The proposed freeway/expressway system will provide an acceptable level of service that can not be met with the highway (non-controlled access). This selection meets the full purpose and need. Approximately 163.8ha (404.7ac) of new right of way would be required. The project would include the following structures:

Freeway-to-freeway interchanges (direct connector) at the SR 70/149 and 99/149 intersections, One-lane crossing over SR 149 to Openshaw Road for access road to Warren and Brown parcels (APNs 041-210-052, 041-200-041),

Two-lane bridges with shoulders over Dry Creek and Clear Creek on SR 149, and over Little Dry Creek on the SR 99 frontage road (west of SR 99) for private access to Book/Guidici parcels.

Four-lane bridge with shoulders on new SR 70 alignment at Gold Run Creek.

One-lane bridge with shoulders for access to Schlaf Fish Farm.

Other creek crossings

Extension of double reinforced concrete box culvert over Gold Run Creek at SR 149.

Extension of single reinforced concrete box culvert over Cottonwood Creek at SR 149.

Direct Connector Interchange - 70/149 and 99/149 Intersections

This freeway to freeway interchange has high design standards, with two of the route to route movements on separate structures. It provides the shortest driving distances for movements on the structures, requires the least amount of right of way, and produces the fewest environmental impacts.

One-lane ramps were designed instead of the standard two-lane ramps at the northbound (NB) SR 149 to southbound (SB) SR 99 ramp, and at the SB Route 149 to eastbound (EB) Route 70 ramp.

Warren/Brown Overcrossing

This project feature provides a one-lane crossing over SR 149 to Openshaw Road to maintain access to the driveways of the Warren (APN 041-210-052) and Brown (APN 041-200-041) parcels, which would be impacted by the ramps on the SR 70/149 interchange.

Table Mountain Boulevard Access

This project feature would connect Table Mountain Boulevard north of SR 149 to the existing SR 70, which would then become a frontage road for the new SR 70 alignment to the west. This frontage road would connect to SR 70 at the realigned SR 191 intersection. This would avoid conflict between the existing Table Mountain Boulevard alignment and the proposed SR 70/149 interchange ramps, would improve the operational characteristics of the SR 70/191 intersection, and would maintain access for the parcels on the east side of existing SR 70.

Realignment of SR 70

SR 70 would be realigned approximately 110 m (360 ft) at the widest offset, west of its current location, from SR 149 to SR 191. This would avoid impacts to the Berkeley Olive Association Historic District.

Reconstruction of SR 70/191/Table Mountain Boulevard Intersection

The SR 70/191 intersection would be relocated approximately 50m (164ft) east of its current location, and would become a 4-way intersection comprised of north and southbound SR 70, SR 191 and the realigned Table Mountain Boulevard (existing SR 70). This configuration will improve the operational characteristics of the intersection, which will reduce accidents.

Realignment of Shippee Road

Near its intersection with SR 149, Shippee Road would be realigned to the east. This is necessary to allow adequate distance between the intersection and the SR 99/149 interchange. The County would abandon the existing roadway.

Book/Guidici Property Access-North

This project feature would consist of a frontage road on the west side of SR 99 north of the 99/149 interchange. This would maintain access to the Book (APN 040-057-003), Guidici (APN 040-130-011), and Dry Creek Ranch (APN 040-057-004) parcels that would be impacted by the SR 99/149 interchange ramps. This road would continue north to the intersection of Durham/Dayton Highway and Oroville/Chico Highway.

Schlaf Property Access South (Fish Farm)

This project feature would consist of a driveway access road on the east side of SR 99 from just north of the SR 99/149 interchange, southeast to Openshaw Road. This would maintain access to the Schlaf parcel on the east side of SR 149 (APN 040-130-040) which would be impacted by the SR 99/149 interchange ramps.

Schlaf Property Access South (Animal Farm)

This project feature would consist of a driveway access road on the east side of SR 99 from just south of the SR 99/149 interchange to approximately 500 m (1640.4 ft) north of the Dry Creek Bridge on SR 99. This would maintain access to the Schlaf parcel on the east side of SR 99 (APN 041-190-027) which would be impacted by the SR 99/149 interchange ramps.

The proposed project would constitute a gap-closure between the four-lane SR 70 freeway to the southeast, and the four-lane SR 99 expressway to the northwest.

Approximately 163.8 ha (404.7 ac) of right of way would be acquired from approximately 35 parcels of land. Right of way was purchased in 1975 for two additional lanes on the south side of SR 149. This purchase did not include consideration of other widening alternatives, or all areas needed for future interchanges, driveway access roads, or realignment of SR 70 north of SR 149.

Other Caltrans/FHWA actions proposed in the vicinity include an interchange at the existing Ophir Rd./SR70 intersection in Oroville with extension of the freeway for 3.2 km (2 mi) south of SR 162, and widening SR 70 to a four-lane expressway/freeway from south of Marysville to Oroville ("Marysville Bypass").

Surface areas of Wetlands or Other Waters to Be Filled:

	ha	(acres)
Vernal Pools and Swales:	2.25	(5.56)
Freshwater Marsh:	2.7	(6.7)
Mixed Riparian Habitat	0.97	(2.4)
Other wetlands:	0.47	(1.16)
Wetland roadway drainage:	1.17	(2.9)
Unvegetated channel:	1.10	(2.72)

***Total Surface Area of Wetlands and
Other Waters of the U.S. to be filled:*** 8.66 (21.40)

AREA DESCRIPTION:

The study area transverses the eastern edge of the Sacramento Valley, within an area southeast of Chico and northwest of Oroville in Butte County, California. Most of the project area is contained in the U.S. Geological Survey (USGS) 7.5-minute Shippee, Cherokee, Oroville and Hamlin Canyon quadrangles. The study limits extend on State Route 99, from Pentz/Durham Road on the north to Dry Creek on the south, over the length of State Route 149 and on State Route 70, from State Route 191 on the north to the Table Mountain Overcrossing (south of Campbell Creek) on the south. The study area is within the California Floristic Province and is characterized by gently rolling hills that support grassland, vernal pools, oak woodlands, pastures and orchards.

Table mountain formations occur within and adjacent to the project, providing variation in elevation and interest in the landscape. Current land use in the study area /consists primarily of grazing land and irrigated farmland, with widely scattered rural residents.

The proposed project is located in a rural area on the eastern edge of the Sacramento Valley between the cities of Oroville and Chico. The Sierra Nevada foothills are within close proximity to the north and east, and agricultural land lies to the west.

ADDITIONAL INFORMATION:

The State Historic Preservation Officer (SHPO) has concurred with the Federal Highway Administration that no historic properties would be affected by the proposed project. Presently unknown cultural resources may be located in the permit area.

The U.S. Fish and Wildlife Service has provided the Federal Highway Administration with a Biological Opinion addressing potential effects to Butte County meadowfoam, valley elderberry longhorn beetle, vernal pool fairy shrimp, and vernal pool tadpole shrimp, as well as proposed critical habitat for listed vernal pool species.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **April 13, 2003**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If additional information is required, please contact California Department of Transportation Jean Baker, telephone 916-741-4498, or Tom Cavanaugh, at the letterhead address, telephone 916-557-5261.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Enclosures: Drawings (4)